

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

U.S. TRUST COMPANY, N.A., in its  
capacity as Plan Administrator and Trustee of  
the Arthur D. Little, Inc Employees' MDT  
Retirement Plan,

Plaintiff,

v.

KARL P. FAGANS, and GARY BECK,

Defendants.

Civil Action  
No. 05-CV-10013 (WGY)

**CERTIFICATION OF PLAINTIFF'S COUNSEL  
PURSUANT TO LOCAL RULE 16.1(D)(3)**

I, Joseph F. Hardcastle, counsel for plaintiff U.S. Trust Company, N.A, hereby certify pursuant to Local Rule 16.1(D)(3) that I have conferred with my client (a) with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of this litigation; and (b) to consider the resolution of this litigation through the use of alternative dispute resolution programs.

HARDCASTLE & SHOBER

/s/ Joseph F. Hardcastle  
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Dated: September 1, 2006

Certificate of Service

I hereby certify that this document and the accompanying Corporate Disclosure Statement and Certification Pursuant to Local Rule 16.1(D)(3) of the plaintiff have been filed through the ECF system, which will send notification of such filing to the attorneys of record in this matter for defendant Fagans.

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